

REMARKS

This is a full and timely response to the non-final Office Action mailed July 18, 2008. The Applicants have amended claims 1 – 6, 8 – 11, 13, 15 and 17 – 23, as indicated above. No new matter has been added. Upon entry of these amendments, claims 1 – 6, 8 – 11, 13, and 15 – 23 remain pending. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

I. Rejection Under 35 U.S.C. 101

The Office Action rejects claims 1 – 6, 8 – 11, 13 and 15 – 23 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. The Office Action argues that the systems recited in independent claims 1 and 21 and the method recited in independent claim 11 are “in effect claiming software.” Without acquiescing to the merits of the rejection, the Applicants have amended independent claims 1, 11 and 21, as indicated above and further described below.

Independent claims 1 and 21 have been amended to further clarify that the respective systems are “computer systems” that comprise a processor, memory, and one or more processor-executable computer programs. Accordingly, the computer systems recited in amended independent claims 1 and 21 are clearly statutory subject matter. Regarding independent claim 11, the Applicants respectfully submit that the method, as originally recited, is directed to a process that fully complies with Section 101. Nonetheless, to specifically address the allegation in the Office Action, independent claim 11 has been amended to further clarify at least two instances in which the method physically transforms subject matter: (1) the services provided to the customer via the

financial transaction network are modified based on the aggregated transaction data; and (2) stored underwriting criteria for new financial accounts is also modified based on the aggregated transaction. Both the services and the stored criteria are modified. The Applicants believe this amendment, while unnecessary, should address any issues regarding whether the method is directed to statutory subject matter.

For at least these reasons, the Applicants respectfully submit that independent claims 1, 11 and 21 are clearly directed to statutory subject matter and, therefore, the rejection should be withdrawn. Dependent claims 2 – 6 and 8 – 10 (which depend from independent claim 1), dependent claims 13 and 15 – 20 (which depend from independent claim 11), and dependent claims 22 and 23 (which depend from independent claim 21) are also directed to statutory subject for at least the reason that the claims include the features recited above in the base claims.

II. Rejection Under 35 U.S.C. 112, First Paragraph

The Office Action rejects claim 10 under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the written description requirement. Without acquiescing to the merits of the rejection, the Applicants have amended claim 10 to recite that “said account management component comprises an account behavior component configured to alter a parameter related to operation of the financial account based upon said risk models”. The Applicants respectfully submit that the subject matter recited in dependent claim 10 is properly described in the specification in such a way as to comply with the written description requirement. The specification clearly describes and

fully supports the feature of the risk model(s) interfacing with the account management component and the underwriting criteria.

By way of example and without limitation, the specification describes various embodiments in connection with FIG. 2. The data aggregation module 252 interfaces with the transaction processing component 250, the account management component 240, and the risk model(s) 224. The functional interoperability of these components is clearly illustrated by the connecting arrows in FIG. 2 and is described in at least the following portions of the specification. The specification describes, as follows, at pages page 6, 11, 23 – 29:

The transactional processing component 250 processes and monitors the day to day transactions between the account and the financial transaction network 255. The transactional processing component 250 is then compiled by the data aggregation module 252. The data aggregation module 252 may work on data related to the entire population of account holders, groups of populations based on factors such as age, occupation, areas of domicile etc. or even individuals. The data aggregation module 252 provides processed outputs to the risk models 224 and the account behavior 246 model.

This is clear support and adequate description for the claim recitation. The data aggregation module 252 receives information related to account transactions, processes the transaction information, and then provides the processed output to the risk model(s) 224 and/or the account management component 240. The data aggregation module 252 may aggregate the transaction information (received via transaction processing component 250) and provide feedback information (*e.g.*, the processed output or other output information) to the account management component 240 and/or the risk model(s) 224.

The manner in which the account behavior component 246 may alter the operation of the financial accounts is further described at least in the following portion of the specification, at page 7, ll. 4 – 31:

The data aggregation module 252 refines and updates, preferably on a real-time basis, the various current trends of the accounts being managed. This information is then fed into the risk models 224 which determine new underwriting criteria 222, and the account behavior 246 model. The data aggregation module 252 can feed information into the risk models 224 and the account behavior 246 model at periodic intervals, continuously, autonomously, on request, or on other bases. The account behavior model 246 can operate to alter the parameters of the operation of the credit account. The account behavior model 246 can base these alterations on the input from the aggregation module 252 and/or the risk models 224. Thus, in operation, the data aggregation module 252 may identify trends for a particular subset of the population. This information in turn can be used by the risk models 224 to identify certain risks associated with the particular subset or related subsets of the population. This information, as well as the information directly provided from the data aggregation module 252 can serve as the basis for altering the parameters of the credit account. As a particular example, suppose that the data aggregation module 252 identifies an increase in transactions by customers identified as working in the airline sector and the risk models 224 indicate a decline in job stability in the transportation industry. The account behavior model 246 may utilize this information to decrease the lines of credit provided to customers working in the airline sector, increase fees associated with their accounts, provide a higher level of scrutiny on approvals of purchases, lock the account from further purchases, or the like. From a fraud perspective, the account behavior model can receive information from the data aggregation module 252 that may be an indication of fraudulent behavior. The account behavior module 246 can then take actions to limit or alleviate the risk of fraud. Similarly, the risk models 224 can receive input from the data aggregation module 252 and/or the account behavior model 246. The information fed to the risk models 224 is used as the basis for generating new underwriting criteria for qualifying new individuals for accounts. The new underwriting criterion provides more accurate real-time criteria that are not otherwise available

when using underwriting criteria that has only been created at the initial stages of qualification.

For at least these reasons, the Applicants respectfully submit that the rejection is improper and, therefore, should be withdrawn and the claim allowed.

III. Rejection of Claims 3, 8 – 11, 13, 17 and 23 Under 35 U.S.C. 112, 2nd Paragraph

The Office Action rejects claims 3, 8 – 11, 13, 17 and 23 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Regarding claims 3 and 8 – 10, the Office Action alleges that the recitation “risk model” is indefinite because it is unclear how the risk model can determine new underwriting criteria as well as model risks associated with the financial account. The Office Action suggests that the risk model should be unrelated to the account. The Applicants have amended the base claims 3 and 8 to clarify that the risk model is coupled to both the underwriting component and the account management component. Thus, as described above with reference to the specification, the recited coupling provides functional interoperability between the risk models, account management component, and the data aggregation module. For these reasons, the Applicants respectfully submit that the recitation “risk model” is clearly definite and fully complies with Section 112.

Regarding claim 11, the Office Action alleges that the recitation “plurality of accounts” is indefinite because it is unclear whether this recitation refers to existing accounts or new accounts. The Applicants have amended claim 11 and relevant dependent claims, as indicated above, to distinguish between existing accounts and new

accounts. Amended claim 11 and related dependent claims fully comply with Section 112.

Regarding claim 17, the Office Action alleges that the additional wherein recitation is indefinite based on an inconsistent interpretation with claim 11. The Applicants have amended both claim 11 and 17 to clearly specify the difference between existing accounts and new accounts. In claims 11 and 17, the aggregated transaction data and the received transaction information are associated with the existing financial accounts. There is no inconsistency and the claims fully comply with Section 112.

As for claims 13 and 23, it is unclear on what basis the Office Action is rejecting the claims and what terms are alleged to be indefinite. The Office Action does not include an explanation of any recitation alleged to be indefinite in these claims. The Applicants submit that these claims fully comply with Section 112. Should the Examiner disagree, the Applicants respectfully request a more clear explanation of the nature of the indefiniteness.

For at least the reasons indicated above, the Applicants respectfully submit that claims 3, 8 – 11, 13, 17 and 23 fully comply with 35 U.S.C. 112, second paragraph and, therefore, the rejection should be withdrawn and the claims allowed.

IV. Rejection of All Pending Claims Under 35 U.S.C. 103(a)

The Office Action rejects all pending claims under 35 U.S.C. 103(a) as allegedly being unpatentable over a combination of two or more references. Claims 1 – 4 and 8 are rejected as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0188533 to Sanchez *et al.* (“Sanchez”) in view of U.S. Patent Application

Publication No. 2002/0139837 to Spitz *et al.* (“Spitz”). Claims 5, 6, 9, 10 and 21 – 23 are rejected as allegedly being unpatentable over Sanchez in view of Spitz and further in view of an *American Banker* periodical article to Quittner (“Quittner”). Claims 11, 13 and 15 – 19 are rejected as allegedly being unpatentable over Sanchez in view of Quittner. Without acquiescing to the merits of the rejection and, specifically, whether the Office Action established a *prima facie* case for combining the asserted references, the Applicants respectfully submit that the rejection is improper for at least the reason that the cited references fail to disclose, teach, or suggest features or elements recited in independent claims 1, 11 and 21.

Independent claims 1 and 21 are directed to computer systems for managing financial accounts. Claims 1 and 21 recite the features of a transactional processing component, a decision engine, an account management component, and a data aggregation module. The data aggregation module interfaces with the transactional processing component, the account management component, and the decision engine. The data aggregation module is configured to aggregate process transaction data from a plurality of existing financial accounts and provide feedback information to the account management component and the decision engine. Independent claim 11 is directed to a method for managing financial accounts. Claim 11 also recites the feature of aggregating transaction data from a plurality of existing financial accounts. The aggregated transaction data is used to modify services to the existing financial accounts and underwriting criteria for new accounts.

The Office Action alleges that the system in Sanchez aggregates transaction data and provides feedback information to the decision engine and the account management

component. The Applicants respectfully disagree. The feedback mechanism in Sanchez is significantly different than the claimed feedback mechanism recited above in claims 1, 11 and 21. Sanchez merely monitors the activity of each customer and uses the customer-specific information to re-evaluate the risk for that particular customer. Sanchez does not aggregate transactions from a plurality of existing customers. Rather, the feedback occurs on a customer-by-customer basis. For example, in Sanchez, transactions associated with a customer A are fed back and used to re-evaluate the risk for customer A, and transactions associated with a customer B are fed back and used to re-evaluate the risk for customer B. The transactions from customers A and B are not aggregated and provided as an integrated feedback mechanism to the decision engine and the account management component for purposes of making decisions about multiple existing accounts. Following this example, unlike Sanchez, in the claimed computer systems and methods, transactions from customers A and B are aggregated and the aggregated transaction information is fed back to the decision engine and the account management component. This unique feature enables the management of the plurality of existing accounts based on transaction information from the pool of accounts, not just a single customer-to-customer feedback system. The secondary cited references do not correct this deficiency.

For at least this reasons, the Applicants respectfully submit that the rejection of independent claims 1, 11 and 21 is improper and should be withdrawn. Dependent claims 2 – 6 and 8 - 10 (which depend from independent claim 1), dependent claims 13 and 15 – 20 (which depend from independent claim 11), and dependent claims 22 and 23 (which depend from independent claim 21) are also patentable for at least the reason that

these claims include all of the elements of the corresponding base claims. Accordingly, the Applicants respectfully request that the rejection of claims 1 – 6, 8 – 11, 13, and 15 – 23 be withdrawn and the claims allowed.

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 6, 8 – 11, 13, and 15 – 23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (813) 382-9345.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: October 20, 2008

/Adam E. Crall/

Signature